THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.2701 OF 1999

DATED: 21.11.2007

Between:

Dr K. Murali Krishna

.. Petitioner

And

The Government of A.P. rep by its Principal Secretary, Education Department, Secretariat Buildings, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.2701 OF 1999

ORDER:

This writ petition is filed seeking a Mandamus directing the 1st respondent to admit the posts in the second section of Post Graduation Department of Commerce in the 3rd respondent college to grant-in-aid and release the funds from 01.09.1985.

2. It seems, petitioner was appointed as Lecturer in Commerce in 3rd respondent College in the year 1988 and has been working as such as of now. According to the petitioner, he was appointed to teach the students in the second section of Post Graduation Department of Commerce and the posts in the said second section were not admitted to grant-in-aid. Though 1st respondent is obligated to admit those posts to grant-in-aid in view of G.O.Ms.No.424 Education (C.E.) Department, dated 19.09.1985, in spite of several representations and proposals by the 3rd respondent college for admission of the post held by him to grant-in-aid, there was no response from the 1st respondent. Hence, this writ petition.

3. The stand taken by the respondents 1 and 2 is that no permission was obtained by the 3rd respondent college before starting

the second section of Post Graduation Department of Commerce.

4. According to the learned counsel for the petitioner, there is no such necessity of obtaining prior permission for starting an unaided section. Even otherwise, permission was granted by the competent authority on 30.12.1993 with retrospective effect, however, with a condition that there shall not be any financial liability on the part of the Government. He further states that once permission was accorded in the year 1993, consideration of admitting the posts to grant-in-aid would fall within the ambit of G.O.Ms.No.424 dated 19.09.1985, but instead of considering the same, respondents 1 and 2 are dodging the mater ignoring the proposals of 3rd respondent college seeking admission of the posts in the second section to grant-in-aid.

5. On the other hand, learned Government Pleader for Higher Education, Mr. A. Abhishek Reddy, while reiterating the stand taken in the counter-affidavit filed by the 2nd respondent, stated that G.O.Ms.No.424, dated 19.09.1985, is applicable only in respect of the colleges where sections were started with the permission of the Government and had completed five years thereafter. Further, as on the date of issuance of the said G.O., no sanction was accorded for starting second section of Post Graduation Department of Commerce in the 3rd respondent college. Therefore, question of availing the benefit of G.O.Ms.No.424 by the 3rd respondent college does not arise.

6. Be that as it may, the learned counsel for the petitioner placed before the Court proceedings purported to have been issued by the Commissioner and Director of Collegiate Education, Andhra Pradesh, Hyderabad, in Rc.No.1488/Admn.VI-2/98, dated 31.3.2000,

whereunder the 3rd respondent college was informed that the case of the petitioner for admitting the post held by him to grant-in-aid would be considered only after the disposal of the writ petition.

7. In view of the above, without expressing any opinion on merits, the respondents 1 and 2 are directed to consider the proposals submitted by the 3rd respondent college on 18.12.1999 for admitting the post held by the petitioner to grant-in-aid and pass appropriate orders, as per law, within a period of eight (8) weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

8. With the above direction, the writ petition is disposed of. No order as to costs.

JUSTICE C.V. RAMULU

21st November, 2007.
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